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1 2 3 4 5 6 7 8 9	EDMUND G. BROWN JR. Attorney General of California ALFREDO TERRAZAS Senior Assistant Attorney General JANICE K. LACHMAN Supervising Deputy Attorney General State Bar No. 186131 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 445-7384 Facsimile: (916) 327-8643 Attorneys for Complainant BEFORE THI BOARD OF REGISTERE DEPARTMENT OF CONSU STATE OF CALIFO	D NURSING MER AFFAIRS
11	In the Matter of the Accusation Against: Case N	Vo. 0 0
12	MARINELLE C. BACOLOD	vo. 2010-37
13	P.O. Box 193	USATION
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15	Respondent.	•
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17	Complainant alleges:	
18	<u>PARTIES</u>	
19	1. Heidi Goodman("Complainant") brings this Accusation solely in her official capacity	
20	as the Assistant Executive Officer of the Board of Registered Nursing ("Board"), Department of	
21	Consumer Affairs.	
22	2. On or about January 27, 2006, the Board issued Registered Nurse License Number	
23	672602 to Marinelle C. Bacolod ("Respondent"). Respondent's registered nurse license was in	
24	full force and effect at all times relevant to the charges brought herein and will expire on May 31,	
25	2011, unless renewed.	
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Business and Professions Code ("Code") section 2750 provides, in pertinent part, that 3. the Board may discipline any licensee for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

Code section 2761 states, in pertinent part: 4.

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof...

Code section 2765 states: 5.

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

6. Code section 490, subdivision (a), states:

In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

COST RECOVERY

Code section 125.3 provides, in pertinent part, that the Board may request the 7. administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CAUSE FOR DISCIPLINE

(Criminal Conviction)

Respondent is subject to disciplinary action pursuant to Code sections 2761, 8. subdivision (f), and 490, subdivision (a), in that on or about November 1, 2007, in the criminal proceeding titled People vs. Marinelle C. Bacolod (Super. Ct. Sacramento County, 2007, Case No. 07F07359), Respondent was convicted by the court on her plea of nolo contendere to violating Penal Code section 261.5, subdivision (c) (unlawful sexual intercourse with a minor three years younger than the perpetrator, a felony). On December 20, 2007, the imposition of Respondent's sentence was suspended and Respondent was placed on probation for a period of 5 years on terms and conditions, including that Respondent serve 364 days in the Sacramento County Jail, that Respondent seek and obtain professional sex offender counseling and/or treatment, and that Respondent shall not be in the presence of any minor under the age of 18 without a responsible adult present as approved by the probation officer.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 672602, issued to 1. Marinelle C. Bacolod;
- Ordering Marinelle C. Bacolod to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - Taking such other and further action as deemed necessary and proper. 3.

Assistant Executive Officer Board of Registered Nursing Department of Consumer Affairs

State of California Complainant

28 SA2009311375 accusation.rtf

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Accusation

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